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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,888	12/27/2000	David P. Greene	YOR9-2000-0304 (1963-5006)	5706
28062	7590	10/19/2004	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR LLC 5 ELM STREET NEW CANAAN, CT 06840			MOONEYHAM, JANICE A	
			ART UNIT	PAPER NUMBER

3629

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,888

Applicant(s)

GREENE ET AL. *st*

Examiner

Jan Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the communication filed on July 6, 2004, wherein:

Claims 28-39 are currently pending;

Claims 1-27 have been cancelled;

Claims 28-39 have been added;

No claims have been amended.

Response to Amendment

Claim Rejections - 35 USC § 112

2. The applicant has cancelled claims 1-27. Therefore, the rejection of claims 1-27 under second paragraph of 35 U.S.C. 112 is hereby withdrawn.

Claim Rejections - 35 USC § 101

3. The applicant has cancelled claims 1-9. Therefore, the refusal under 35 USC Section 101 is hereby withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 32-39 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al (US 5,704,045) (hereinafter referred to as King).

Referring to Claims 28, 32, and 36:

King discloses a method, apparatus and medium comprising:

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storing a plurality of risk profiles in a computer database, each risk profile corresponding to a respective user (Fig. 3);

receiving an additional risk profile from an additional user (Fig. 3);

searching the computer database to determine one of the stored risk profiles which is suitable for balancing risks with the additional risk profile (abstract -balancing the interests of professionals in a risk transfer and diversification system, col. 5, lines 9-21, Fig 1 –Risk/Capital Matching Process, col. 6, line 64 thru col. 7, line 6, col. 9, lines 49-56); and

establishing a contract between the additional user and the one of the users who corresponds to said one of the stored risk profiles (Fig. 2, col. 4, lines 11-17, col. 5, lines 30-31, col. 7, lines 16-20, col. 9, lines 3-8),

the apparatus comprising a processor and a memory coupled to the processor (Fig. 1, col. 9, lines 31-38).

Referring to Claims 29, 33, and 37:

King discloses a method further comprising:

storing data indicative of the contract in a transaction database (Fig. 1, Fig. 2).

Referring to Claims 30, 34, and 38:

a method wherein the additional risk profile is received via a network (Fig. 1).

Referring to Claims 31, 35 and 39:

a method wherein the additional risk profile indicates the additional user's exposure to at least one of : (a) weather, (b) real estate prices (c) residual value of leases, (d) reliability of a machine, (e) birth statistics, (f) death statistics, (g) a consumer price index, and (h) marriage statistics (col. 6, lines 38-44, col. 9, lines 16-20).

Response to Arguments

The applicant's argument, as stated on page 7 of the response, is that the King reference fails to teach or suggest the claim steps of storing a plurality of risk profiles in a computer database and searching the computer database to determine one of the stored risk profiles which is suitable for balancing risks with an additional risk profile. The Examiner directs the applicant to Figure 3 and col. 5, lines 9-21.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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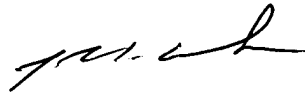
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jan Mooneyham whose telephone number is (703) 305-8554.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600